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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

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13 UNITED STATES OF AMERICA,	) CASE NO. 18-CR-281-RS
14 Plaintiff,	) STIPULATION AND [PROPOSED]
	) PROTECTIVE ORDER
15 v.	)
16 MICHAEL LAWRENCE CONNELL,	)
17 Defendant.	)

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20 Plaintiff United States of America, by and through DAVID L. ANDERSON, United States  
21 Attorney for the Northern District of California, and RAVI T. NARAYAN, Assistant United States  
22 Attorney for the Northern District of California, and the defendant, MICHAEL LAWRENCE  
23 CONNELL, through his undersigned counsel, hereby stipulate and agree as follows:

24 a) This is a case in which the defendant is charged with crimes involving victims and/or  
25 witnesses who are minors (the Child Victims). As such, the Child Victims are entitled to certain  
26 statutory protections, including: (1) Title 18, United States Code, section 3509, which affords certain  
27 confidentiality protections to the Child Victims, including the requirement that the Child Victims' names  
28 not be included in any public filings and that the parties keep the names of child victims in a secure

1 place to which no person who does not have reason to know their contents has access; (2) Title 18,  
2 United States Code, section 3771, which affords any victim of a crime the right to be treated with  
3 fairness and respect for his or her dignity and privacy; and (3) Title 18, United States Code, section  
4 3509(m), which provides that a court shall deny defense requests to copy, photograph, duplicate, or  
5 otherwise reproduce material constituting child pornography if the government makes the material  
6 reasonably available to the defendant and provides ample opportunity for the defense to examine it at a  
7 government facility.

8       b)     Some of the discovery materials the government intends to produce in this case may  
9 include materials falling into one or more of the following categories (collectively, “Protected  
10 Information”):

- 11           1. Personal Identifying Information of any individual, including without limitation any person’s  
12              date of birth, social security number, residence or business address, telephone numbers, email  
13              addresses, driver’s license number, professional license number, family members names, or  
14              criminal histories (“Personal Identifying Information”);  
15           2. The names and other personal information of Child Victims;  
16           3. Financial information of any individual or business, including without limitation bank  
17              account numbers, credit or debit card numbers, account passwords, contact information, and  
18              taxpayer identification numbers (“Financial Information”); and  
19           4. Medical records or other patient information of any individual covered by the Health  
20              Insurance Portability and Accountability Act of 1996 (HIPPA) (“Medical Information”);

21       c)     The government seized or otherwise obtained certain electronic devices from the  
22 defendant (“Defendant’s Electronic Devices”) that may contain private and confidential information  
23 relating to Child Victims and other individuals, including potentially personally identifiable information  
24 such as account numbers, social security numbers, and dates of birth. Due to the nature in which the  
25 information is stored, it cannot practicably be redacted.

26       THEREFORE, THE PARTIES STIPULATE AND AGREE that the Court should enter an order  
27 restricting the disclosure of the Protected Information described above as follows:

- 28           1. All Protected Information produced by the government in this matter that is not

1 maintained on Defendant's Electronic Devices shall be stamped on its face "PROTECTED  
2 INFORMATION – SUBJECT TO PROTECTIVE ORDER." All information stored on Defendant's  
3 Electronic Devices, will also be deemed Protected Information and subject to the terms of this Protective  
4 Order.

5       2. The following individuals (the "Defense Team") may access and review Protected  
6 Information for the sole purpose of preparing the defense and for no other purpose:

- 7           a) Counsel for defendant who have made an appearance in this matter; and  
8           b) Persons employed by defense counsel to assist with the preparation of the  
9 defense, including legal assistants, experts, and investigators, but only after any such individual  
10 has reviewed, signed, and dated a copy of this Protective Order to reflect his or her agreement to  
11 be bound by it.

12       3. The Defense Team may review with the defendant all discovery material produced by the  
13 government, but shall not provide the defendant with copies of, or permit the defendant to make copies  
14 of or have unsupervised access to, any discovery material produced by the government that contains  
15 Protected Information, unless the Personal Identifying Information, Financial Information, and/or  
16 Medical Information has first been entirely redacted from the discovery materials. Discovery material  
17 that clearly pertains to the defendant and does not contain Protected Information regarding any other  
18 person (e.g., a defendant's own bank records, telephone records, and business records) may be provided  
19 to the defendant unredacted.

20       4. The Defense Team shall not disclose the substance of any Protected Information received  
21 from the government in the above-captioned matter to any third party without the express written  
22 permission of the government or the approval of this Court.

23       5. The Defense Team shall refer to any Child Victim only by his or her self-identified  
24 pseudonym or first and last initials in all pleadings and at any court hearings.

25       6. If the Defense Team files a pleading that references, contains, or attaches Protected  
26 Information subject to this Protective Order, any portion of that pleading that references, contains, or  
27 attaches Protected Information must be filed under seal. The Defense Team shall comply with Criminal  
28 Local Rule 56-1 to ensure that Protected Information is not improperly disclosed but that any sealing

1 order is limited to those portions of the pleading for which there is a valid basis to seal.

2       7. All review and examination of Defendant's Electronic Devices, or forensic copies or  
3 images of those devices, will be conducted at the offices of the San Francisco Police Department,  
4 located at 850 Bryant Street, San Francisco, California, 94103, or the offices of the Federal Bureau of  
5 Investigation, located at 21711 N 7th St., Phoenix, Arizona, 85024. At the request of the Defense Team,  
6 the examination may be conducted outside the presence of an agent or other government representative.  
7 The reviewing room will be equipped with a computer that will permit the Defense Team to access a  
8 hard drive containing the Defendant's Electronic Devices. The reviewing computer will have software  
9 installed on it that will permit the Defense Team to access and analyze the data. Additional software  
10 tools may be installed on the reviewing computer at the request of the Defense Team and with the prior  
11 approval of the San Francisco Police Department, Homeland Security Investigations, or any other law  
12 enforcement agency facilitating the review.

13       8. The Defense Team shall not make, nor permit to be made, any copies of the alleged child  
14 pornography contained in Defendant's Electronic Devices and shall not remove from the government  
15 facility any child pornography. The Defense Team will be allowed to copy electronic information that is  
16 not contraband and compile a report without contraband images or videos documenting the examination,  
17 and this information may be stored on removable media that may be removed from the facility subject to  
18 confirmation by the San Francisco Police Department, Homeland Security Investigations, or any other  
19 law enforcement agency facilitating the review, that the removable media does not contain child  
20 pornography images.

21       9. With advance notice to the San Francisco Police Department, Homeland Security  
22 Investigations, or any other law enforcement agency facilitating the review, the Defense Team may  
23 bring to the government facility a blank external storage drive to be used as a temporary digital  
24 workspace during the review and examination of the Electronic Information. That drive will be stored  
25 in a secure location at the government facility and will not be accessed or reviewed by any government  
26 agent or representative. After the Defense Team has finished its review, or at such earlier time as the  
27 Defense Team requests, the drive will be erased, reformatted, and returned to the Defense Team.

28       10. After any judgment or disposition has become final and there are no pending

1 proceedings, challenges, appeals, or habeas motions in the case, and after the deadline for any 28 U.S.C.  
2 § 2255 motion has expired, the Defense Team shall destroy all documents and electronic media subject  
3 to this Protective Order, delete any electronic copies of such documents or electronic media, or return  
4 such documents or electronic media to the government. Should the Defense Team seek to retain copies  
5 of any documents or electronic media that would otherwise be subject to this Protective Order, the  
6 Defense Team may seek from government counsel copies of such documents or electronic media with  
7 all Protected Information appropriately redacted, or may seek any other appropriate relief from the  
8 Court.

9       11. This Protective Order applies to all attorneys associated with the above case who have  
10 knowledge of this Protective Order, regardless of the nature of their involvement in the case. This  
11 Order shall be binding on all subsequent attorneys who represent the defendant in this case or any other  
12 person who comes into possession of the documents disclosed to the Defense Team under this Protective  
13 Order.

14       12. Any disputes about this Protective Order, including any dispute about the government's  
15 decision to designate materials as Protected Information, shall be resolved by this Court only after  
16 counsel for the United States and the defendant have first conferred and attempted to resolve the dispute.  
17 Defense counsel shall first raise any disputed designation with the government in writing. If the  
18 government does not then agree to change the designation, the defense may raise the issue with the  
19 Court.

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1       13. This stipulation is without prejudice to any party applying to the Court to modify the  
2 terms of this Protective Order. This Court shall retain jurisdiction to modify this Protective Order upon  
3 motion of any party even after the conclusion of district court proceedings in this case.

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## 5 IT IS SO STIPULATED.

DAVID L. ANDERSON  
United States Attorney

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Dated: January 18, 2019

/s/  
RAVI T. NARAYAN  
Assistant United States Attorney

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14 IT IS SO ORDERED

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Dated: 1/18/19

/s/  
**KORY DECLARK**  
Counsel for Defendant Michael Connell

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**STIPULATION AND PROPOSED ORDER  
18-CR-281-RS**